Town of Duxbury
Protective By-Law
and
Building Code

AR
352.961
DUX
1958

For Reference

Not to be taken from this room

J. A Braeger

TOWN OF DUXBURY

PROTECTIVE BY-LAW
AND
BUILDING CODE

Protective By-Law
Adopted, January 12, 1944
Amended, 1947, 1948, 1949, 1952, 1954, 1957, 1960

Building Code
Adopted as Separate Volume, March 12, 1955
Amended, March 10, 1956
MAR 10, 1960

DUXBURY, MASSACHUSETTS
1958

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Duxbury, Massachusetts

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TOWN OF DUXBURY

PROTECTIVE BY-LAW
AND
BUILDING CODE

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Duxbury Free Library

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Protective By-Law

GENERAL INFORMATION

The Protective By-Law is for the purpose of protecting the health, safety , convenience and general welfare of all the inhabitants of the Town, to lessen the danger from fire, congestion and confusion and to improve and beautify the Town under and pursuant to the provisions of the General Laws. It is also for the purpose of protecting and preserving from despoliation the natural features and resources of the Town, such as salt marshes, wetlands, brooks and ponds. No obstruction of streams or tidal rivers and no excavation or filling of any marsh, wetland or bog shall be done without proper authorization by a special permit issued by the Board of Appeals.

A minimum lot area of 40,000 square feet.

Garage space for not more than three cars.

Building permits are required whenever buildings are to be erected, altered, enlarged or relocated, and are issued by the Building Inspector. Application blanks may be obtained at the Building Inspector's Office.

Fees for a permit, based in part on estimated cost of work to be done, are those as stated in the Duxbury Building Code, in Article IX, Section 7, as follows:

SECTION 7. A suitable fee, as set by the Board of Selectmen shall be charged for the issuance of a Building Permit.

($2,000.00), for construction or alteration costing over two thousand dollars ($2,000.00) the fee shall be computed at the rate of five dollars ($5.00) per thousand or fraction thereof.

No fee, however, shall be in excess of $20.00.

Building permits shall be issued without delay if the Building Inspector determines that the contemplated building or alterations or uses come within the provisions of the Protective By-Law, Building Code, Board of Health Rules and Regulations and Planning Board Rules and Regulations and shall remain in effect for a period of six months from the date thereof. Upon application, filed prior to the expiration of the original permit and accompanied by a fee of fifty cents, a renewal permit shall be issued.

PHILIP W. DELANO,
JAMES H. W. JENNER,
FRANCIS W. PERRY,
Selectmen of Duxbury

PROTECTIVE BY-LAW

This By-Law shall be known and may be cited as the Protective By-

GENERAL INFORMATION

The Protective By-Law is for the purpose of protecting the health, safety , convenience and general welfare of all the inhabitants of the Town, to lessen the danger from fire, congestion and confusion and to improve and beautify the Town under and pursuant to the provisions of the General Laws. It is also for the purpose of protecting and preserving from despoliation the natural features and resources of the Town, such as salt marshes, wetlands, brooks and ponds. No obstruction of streams or tidal rivers and no excavation or filling of any marsh, wetland or bog shall be done without proper authorization by a special permit issued by the Board of Appeals.

rented by the person resident therein to persons occupy
for the night or for longer periods.

"Half Story". The term 'half story' shall mean a story in a sloping roof, the area of which at a height four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.

"Hall". A hall is a room or building appropriated to the meetings of a fraternal, literary or other incorporated society; and excludes the term 'halls' wherever it appears in Section 3 thereof.

"Lot". A lot is the parcel of land on which a principal building and its accessories are placed together with the required open spaces.

"Projections". Projections shall mean cornices, eaves, gutters, outside chimneys, steps, bay windows and terraces.

"Story of a Building". A story of a building is that part of the building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above.

"Way". A way is a passage, street, road or bridge, public or private, set aside or used as a thoroughfare.

Section 2. ESTABLISHMENT OF DISTRICTS

(a) Classes of Districts. For the purpose of this Protective By-Law the Town is hereby divided into two classes of districts, to be known as:

1. Residence Districts.
2. Business Districts.

These districts are shown on a map entitled "Map of Town of Duxbury, Massachusetts to Accompany Protective By-Law" dated January 1944, and a copy of said map is on file at The Duxbury Town Office and said map with all its contents is hereby made a part of this Protective By-Law. The general location of business districts is indicated by the smaller circles shown on said map. The details showing more precise boundaries of business districts are shown shaded within the larger circles on said map, with references to the Assessors Map of Duxbury on file as of January 1, 1944. All parts of the town not shown by said details are to be treated as residence districts. Said Protective By-Law map shall be changed and amended to reflect any changes in the boundaries of said business districts.

Section 3. RESIDENCE DISTRICT USES

In a residence district no building shall be erected, altered, used or maintained, and no building or premises shall be used for any purpose except:

(a) Detached one-family house.

(b) Private Club not conducted for profit and not containing sleeping quarters for more than four persons.

(c) Church.

(d) Educational Use.

(e) Farm, garden, nursery or greenhouse; also stands for the sale of products raised on the premises, subject to approval of Board of Appeals.

(f) Municipal recreational use.

(g) Telephone exchange, not including a service station or outside storage of supplies.

(h) Accessory use on the same lot with and customarily incident to

any of the above permitted uses and not detrimental to a residential neighborhood. The use of a room or rooms in a dwelling for customary home occupation, or home occupations carried on by the person or persons resident therein, shall be permitted as an accessory use, provided that there be no display or advertising except a sign of not more than two square feet in area. The term 'accessory use' shall not include:

1. A garage for the storage of more than three automobiles.
2. Storage of more than three commercial automobiles except on a farm.
3. Advertising signs except those pertaining to the lease, sale or use of a lot or building on which they are placed, and not exceeding a total area of six square feet; provided that on a lot occupied by a dwelling there may be a sign with total area of not more than two square feet pertaining to the use thereof or bearing a name and the designation of any authorized occupation, and being such sign as is customary on any building used for the purposes permitted by this section.

(i) Any of the following uses provided it is not injurious or offensive to the neighborhood, and only if authorized by the Board of Appeals:

1. Alterations, otherwise prohibited, of a dwelling (existing at the time this By-Law is adopted) for two families.
2. Aviation field.
3. Cemetery.
4. Golf Club.
5. Gravel, loam, clay, sand or stone removal.
6. Hospital, convalescent home, sanitarium, institution or philanthropic use.
7. Ice harvesting and storage on the same premises.
8. Municipal use.
9. Riding stable.
10. Guest house.

Section 4. BUSINESS USES

In a business district no building shall be erected or altered and no building, premises or land shall be used for any purpose injurious or

offensive to the neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise. The following uses shall be permitted:

1. Any use permitted in a residence district.
2. Filling station or garage on approval of the Board of Appeals.
3. Municipal use.
4. Newspaper or job printing.
5. Office or bank.
6. Place of amusement or assembly.
7. Restaurant or hotel.
8. Retail business, service or public utility not involving manufacture on the premises except of products the major portion of which is to be sold at retail by the manufacturer to the consumer and provided further that not more than ten operators shall be employed in such manufacture. Such retail business may include sales at wholesale, provided that the physical incidents occurring on the premises of such wholesale transactions are of substantially the same character as the physical incidents of its sales at retail direct to the consumer, and provided further that the major portion in number of its sales shall continue to be sales at retail.
9. Sign advertising goods or service offered by an occupant of the premises for sale, hire or use.
10. Trailer camps and/or over-night camps on approval of the Board of Appeals.
11. Storage of junk for commercial purposes on approval of the Board of Appeals.
12. Guest house, on approval of the Board of Appeals.

Section 5. NON-CONFORMING USES

(a) Continuation of non-conforming uses. Any building or use of a building, structure, land, or part thereof, existing at the time this By-Law is adopted may be continued, although such building or use does not conform to the provisions thereof, except as provided in (b) of this section, and provided such use has not been discontinued for a period of three years, exclusive of a time of war emergency.

(b) Limitation on Restoration. A non-conforming building which has been damaged or destroyed may be repaired or rebuilt, but

the restoration shall not substantially exceed the original area and height and shall be placed no nearer the street than the building which it replaces.

Section 6. HEIGHT REGULATIONS

(a) Residence district heights. In a residence district no building shall be erected or altered to exceed two and one-half stories in height.

(b) Business district heights. In a business district no building shall be erected or altered to exceed two and one-half stories in height.

(c) Height exceptions. Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend a reasonable height above the height limits herein fixed, subject to the approval of the Board of Selectmen or an inspector who may be appointed by them.

Section 7. AREA REGULATION

(a) Front yards. In a residence district where the way is forty or more feet in width no building or roadside stand shall be erected or placed within twenty-five feet of the way line. Where the way is less than forty feet in width the building or stand shall be placed not less than forty-five feet from the center of the way. Where present building on adjoining lots are less than twenty-five feet from the way line, new buildings may be placed as near the way line as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back twenty-five feet.

(b) Side and rear yards. In a residence district no dwelling shall be built within ten feet of the side or rear lot line, and no other building within five feet of such lines.

(c) Lot size. In the residence district no building shall be erected or maintained on a lot of an area of less than 40,000 square feet or of a frontage upon the way upon which it abuts, or upon the set-back line, if any, of such way of less than two hundred feet.

Effective June 12, 1944.

This paragraph shall not apply to a building in existence when this By-Law becomes effective provided the lot upon which it stands is not subsequently diminished in area or width of front-

age; nor shall it apply to a lot described in a deed, or shown on a plan, duly recorded in the Plymouth County Registry of Deeds when this By-Law becomes effective, provided that if at such time there was other contiguous land of the same owner which might be used in connection with such lot, such land shall be so used to the amount required to constitute a lot of the area and frontage prescribed in this paragraph, and such lot shall not subsequently be diminished in area or frontage below the requirements herein stated. In the case of any lot so described or shown in said Registry of Deeds to which there is not sufficient other land of the same owner contiguous and capable of use to constitute a lot of the area and frontage prescribed in this paragraph, the owner may erect and maintain one, but not more than one, building, other than accessory buildings on such lot. The foregoing limitation upon the application of this paragraph with respect to the effective date of this By-Law shall also be applicable to the application of the amendments of this paragraph with respect to the effective dates of such amendments, which amendments shall not impose any greater restrictions upon the area or frontage of any such existing lot than were in force when the respective amendments to this paragraph became effective.

(d) Corner Clearance. Within the area formed by the lines of intersecting ways and a line joining points on such lines fifteen feet distant from their point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure other than a building, and no foliage, shall be maintained between a height three and one-half feet and a height of eight feet above the plane through their curb grades.

(e) Projections. Nothing herein shall prevent the projection of steps, stoops not exceeding thirty square feet in area, eaves, cornices, window sills, or belt courses into any required yard.

Section 8. ADMINISTRATION

(a) Enforcements. This By-Law shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them; and upon any well founded information as to a violation, the board shall take immediate steps to enforce this By-Law in any manner provided by law. No person shall erect or externally alter a building or other structure in this town without a permit from the Selectmen granted upon application made to them upon a form prescribed by them. If the Selectmen find

that the construction, location and proposed use of the building or structure to which the application relates in the place specified in the application are authorized by this by-law, they shall grant such permit; otherwise they shall refuse it.

(b) A Board of Appeals is hereby established which shall have all of the powers of a board of appeals under sections 25 to 30 B inclusive of Chapter 40 of the General Laws, and acts in amendment thereof and in addition thereto. The board of appeals shall consist of three members, appointed by the Selectmen, for terms of three years and so arranged that the term of one member shall expire each year. No member shall act on any appeal in which he has a personal or financial interest, and in such case his place shall be taken by an associate member designated by the Selectmen.

(c) An appeal may be taken to the Board of Appeals by any person aggrieved by any order of any administrative official of the town in violation of sections 25 to 30 B inclusive of chapter 40 of the General Laws or of the Protective By-Law of the town. An appeal under this paragraph, or under the provisions of statute, may be taken within fifteen days after the order or action complained of.

(d) The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with their general purpose and intent, and in accordance with the specific rules contained in this by-law.

Section 9. LEGAL ASPECTS

The invalidity of any section or provision of this By-Law shall not affect the validity of any other provision thereof.

This Protective By-Law shall not interfere with or annul any By-Law or other law in effect in the Town of Duxbury.

So much of this Protective By-Law as is approved by the Attorney General shall take effect upon its publication as required by law.

I do hereby certify that the foregoing is a true copy of the By-Law adopted by the VOTE taken under Article 26 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 4, 1944, as amended by VOTE taken under Article 35 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 1, 1947, and as further amended by VOTE taken under Article 33 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 20, 1948, by VOTE taken under Article 33 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 5, 1949, by VOTE taken under

Article 35 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 8, 1952, by VOTE taken under Article 40 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 13, 1954, and by VOTE taken under Article 34 in the warrant for the Annual Town Meeting of the Town of Duxbury held March 9, 1957.

MAURICE H. SHIRLEY,
Town Clerk of Duxbury

VOTE

Under Article 35, VOTED to change and amend the Protective By-Law of the Town of Duxbury as enacted by the Town on March 4, 1944, so that the business district at Station Street (otherwise known as Railroad Avenue), Alden Street and St. George Street shall be enlarged to include Lots numbered 103, 111, 112A and 112B as shown on Block Q of the current Assessors' Map of Duxbury, and instruct the Planning Board to file in the Plymouth Registry of Deeds or elsewhere such plans as they think necessary to carry out the purposes of this motion. (Yes 123 — No 5).

I do hereby certify that the foregoing is a true copy of the VOTE taken under Article 35 in the Warrant for the Annual Town Meeting of the Town of Duxbury held March 1, 1947.

JOSEPH T. C. JONES,
Town Clerk of Duxbury.

Boston, Mass., May 6, 1947

The foregoing amendment to By-Laws is hereby approved.

CLARENCE A. BARNES,
Attorney General

VOTE

Under Article 33, it was voted, unanimously, to amend the article by inserting the word "externally" in the fourth line, before the word "alter" and

VOTED: To amend the Protective By-Law of the Town of Duxbury by adding at the end of paragraph (a) in Section 8 the following words,

namely: "No person shall erect or externally alter a building or other structure in this town without a permit from the Selectmen granted upon application made to them upon a form prescribed by them. If the Selectmen find that the construction, location and proposed use of the building or structure to which the application relates in the place specified in the application are authorized by this By-Law, they shall grant such permit; otherwise they shall refuse it"; so that said paragraph (a) will read as follows:

Section 8. ADMINISTRATION. (a) Enforcement. This By-Law shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them; and upon any well founded information as to a violation, the said Board shall take immediate steps to enforce this By-Law in any manner provided by law. No person shall erect or externally alter a building or other structure in this town without a permit from the Selectmen granted upon application made to them upon a form prescribed by them. If the Selectmen find that the construction, location and proposed use of the building or structure to which the application relates in the place specified in the application are authorized by this By-Law, they shall grant such permit; otherwise they shall refuse it.

(Vote: Yes 202; No 54).

I hereby certify that the foregoing is a true copy of the vote under Article 33 of the records of the Annual Meeting of the Town of Duxbury, March 20, 1948.

JOSEPH T. C. JONES,
Town Clerk of Duxbury

Boston, Mass., May 11, 1948

The foregoing amendment to by-law is hereby approved.

CLARENCE A. BARNES,
Attorney General

VOTE

Under Article 34, Voted to amend the Protective By-Law of the Town of Duxbury in the following manner:

By inserting in Section 1 immediately after the caption the following new paragraph: " 'Authorized by' or 'on approval of' (the Board of Appeals or Board of Selectmen.) When a special permit has been granted by the Board of Appeals or the Board of Selectmen for an exception to the terms of the by-law in harmony with its general purposes and intent and subject to appropriate conditions and safe-guards."

By inserting in Section 1 after the paragraph captioned "Front Yard" the following new paragraph: " 'Guest House', a single family dwelling house in which rooms are rented by the person resident therein to persons occupying such rooms for the night or for longer periods."

By inserting at the end of Section 3, Paragraph (i) the following: "10. 'Guest House'."

By inserting at the end of Section 4, the following: "12. Guest House on approval of the Board of Appeals."

By striking out the whole of Section 8 except the caption and inserting in place thereof the following paragraphs:

"(a) Enforcement. This By-Law shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them; and upon any well founded information as to a violation, the board shall take immediate steps to enforce this By-Law in any manner provided by law. No person shall erect or externally alter a building or other structure in this town without a permit from the Selectmen granted upon application made to them upon a form prescribed by them. If the Selectmen find that the construction, location and proposed use of the building or structure to which the application relates in the place specified in the application are authorized by this By-Law, they shall grant such permit; otherwise they shall refuse it.

"(b) A Board of Appeals is hereby established which shall have all of the powers of a Board of Appeals under section 25 to 30B inclusive of Chapter 40 of the General Laws, and acts in amendment thereof and in addition thereto. The Board of Appeals shall consist of three members, appointed by the Selectmen, for terms of three years and so arranged that the term of one member shall expire each year. No member shall act on any appeal in which he has a personal or financial interest, and in such case his place shall be taken by an associate member designated by the Selectmen.

"(c) An appeal may be taken to the Board of Appeals by any person aggrieved by any order of any administrative official of the town in violation of sections 25 to 30B inclusive of Chapter 40 of the General Laws or of the Protective By-Law of the town. An appeal under this paragraph,

or under the provisions of statute, may be taken within fifteen days after the order or action complained of.

"(d) The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with their general purpose and intent, and in accordance with the specific rules contained in this By-Law."

(Vote: Yes 292; No 0).

I do hereby certify that the foregoing is a true copy of the Vote taken under Article 34 of the records of the Annual Meeting of the Town of Duxbury, held March 5, 1949, at which a quorum was present.

JOSEPH T. C. JONES,
Town Clerk of Duxbury.

Boston, Mass., April 21, 1949

The foregoing amendments to by-laws are hereby approved.

FRANCIS E. KELLY,
Attorney General

VOTE

Under Article 35, it was Voted, that paragraph (c) of section 7 of the Protective By-Law as it appears in the booklet entitled "Protective By-Law for the Town of Duxbury as Amended 1947", is hereby amended by striking out the figures "20,000" in the third line and inserting in place thereof the figures "30,000", and by inserting after the word "hundred" in the sixth line thereof the words: "and fifty", and by inserting after the word "paragraph" in the first line at the top of page 9 the words "or any amendment thereof" and by inserting after the word "By-Law" in the seventh line on page 9 the words "or any amendment of this paragraph" so that said paragraph (c) will read as follows:

(c) Lot size. In the residence district no building shall be erected or maintained on a lot of an area of less than 30,000 square feet or of a frontage upon the way upon which it abuts, or upon the setback line, if any, of such way of less than one hundred and fifty feet. This paragraph or any amendment thereof shall not apply to a building in existence when this By-Law becomes effective provided the lot upon which it stands is not subsequently diminished in area or width or frontage; nor shall it apply to a lot described in a deed, or shown on a plan, duly recorded in

the Plymouth County Registry of Deeds when this By-Law or any amendment to this paragraph becomes effective, provided that if at such time there was other contiguous land of the same owner which might be used in connection with such lot, such land shall be so used to the amount required to constitute a lot of the area and frontage prescribed in this paragraph, and such lot shall not subsequently be diminished in area or frontage below the requirements herein stated. In the case of any lot so described or shown in said Registry of Deeds to which there is not sufficient other land of the same owner contiguous and capable of use to constitute a lot of the area and frontage prescribed in this paragraph, the owner may erect and maintain one, but not more than one, building, other than accessory buildings, on such lot. (Vote: Yes 170; No 32).

I do hereby certify that the foregoing is a true copy of the Vote taken under Article 35 of the records of the Annual Meeting of the Town of Duxbury, Mass., held March 8, 1952, at which a quorum was present.

JOSEPH T. C. JONES,
Town Clerk of Duxbury.

Boston, Mass., July 1, 1952

The foregoing amendment to zoning by-law is hereby approved.

FRANCIS E. KELLY,
Attorney General

VOTE

Under Article 40, it was Voted to amend Article 40 by striking from paragraph (c) the following words in the first sentence, "except in so much thereof as lies between Canal River and Duxbury Beach", and the last sentence which reads "In so much of the residence district as lies between Canal River and Duxbury Beach the corresponding limitations shall be 30,000 square feet of area and 150 feet of frontage".

It was then Voted to amend the Protective By-Law of the Town of Duxbury, as follows:

"The Protective By-Law of the Town of Duxbury, as previously amended, is hereby further amended by striking out paragraph (c) of Section 7 and inserting in place thereof the following new paragraph:

(c) Lot size. In the residence district no building shall be erected or maintained on a lot of an area of less than 40,000 square feet or of a frontage upon the way upon which it abuts, or upon the set-back line, if any, of such way of less than two hundred feet.

This paragraph shall not apply to a building in existence when this By-Law becomes effective provided the lot upon which it stands is not subsequently diminished in area or width of frontage; nor shall it apply to a lot described in a deed, or shown on a plan, duly recorded in the Plymouth County Registry of Deeds when this By-Law becomes effective, provided that if at such time there was other contiguous land of the same owner which might be used in connection with such lot, such land shall be so used to the amount required to constitute a lot of the area and frontage prescribed in this paragraph, and such lot shall not subsequently be diminished in area or frontage below the requirements herein stated. In the case of any lot so described or shown in said Registry of Deeds to which there is not sufficient other land of the same owner contiguous and capable of use to constitute a lot of the area and frontage prescribed in this paragraph, the owner may erect and maintain one, but not more than one, building, other than accessory buildings on such lot. The foregoing limitation upon the application of this paragraph with respect to the effective date of this by-law shall also be applicable to the application of the amendments of this paragraph with respect to the effective dates of such amendments, which amendments shall not impose any greater restrictions upon the area or frontage of any such existing lot than were in force when the respective amendments to this paragraph become effective". (Two-thirds vote necessary,

Vote: Yes 345; No 152).

I do hereby certify that the foregoing is a true copy of the Vote taken under Article 40 of the records of the Annual Meeting of the Town of Duxbury, Mass., held March 13, 1954, at which a quorum was present.

JOSEPH T. C. JONES,
Town Clerk of Duxbury.

Boston, Mass., May 26, 1954

The within amendment to by-laws is hereby approved.

GEORGE FINGOLD,
Attorney General

VOTE

Under Article 34, it was voted to amend the Protective By-Law in the following particulars:

(a) By extending the business district in that part of Duxbury called Island Creek to include therein those two certain parcels of land adjoining said business district and shown as Lots K 64 B and K 51 A 3 on the Assessors' Map of Duxbury, said lots being on the northerly side of Tremont Street (Route 3-A); and by changing and amending accordingly the Map entitled "Map of the Town of Duxbury, Massachusetts, to Accompany Protective By-Law", dated January 1944; and by amending Section 2 of said Protective By-Law by adding as the final sentence of said Section 2, the following:

"Said Protective By-Law map shall be changed and amended to reflect any changes in the boundaries of said business districts,"; and

(b) By amending Paragraph 8 of Section 4 of said Protective By-Law by adding as the final sentence of said Paragraph 8 the following:

"Such retail business may include sales at wholesale, provided that the physical incidents occurring on the premises of such wholesale transactions are of substantially the same character as the physical incidents of its sales at retail direct to the consumer, and provided further that the major portion in number of its sales shall continue to be sales at retail".

(Vote: 316 Yes; 1 No).

I hereby certify that the foregoing is a true copy of the vote under Article 34 at the Annual Town Meeting of Duxbury, Mass., held March 9, 1957 at which a quorum was present.

MAURICE H. SHIRLEY,
Town Clerk of Duxbury.

Boston, Mass., September 3, 1957

The within amendment to zoning by-law is hereby approved.

GEORGE FINGOLD,
Attorney General

VOTE

Under Article 31, it was voted to amend Duxbury's Protective By-Law as follows;

By inserting at the end of Paragraph 1 under "General Information" the following: "It is also for the purpose of protecting and preserving from despoliation the natural features and resources of the Town, such as salt marshes, wetlands, brooks and ponds. No obstruction of streams or tidal rivers and no excavation or filling of any marsh, wetland or bog shall be done without proper authorization by a special permit issued by the Board of Appeals", so that the entire first paragraph under "General Information" shall read as follows:

> "The Protective By-Law is for the purpose of protecting the health, safety, convenience and general welfare of all the inhabitants of the Town, to lessen the danger from fire, congestion and confusion and to improve and beautify the Town under and pursuant to the provisions of the General Laws. It is also for the purpose of protecting and preserving from despoliation the natural features and resources of the Town, such as salt marshes, wetlands, brooks and ponds. No obstruction of streams or tidal rivers and no excavation or filling of any marsh, wetland, or bog shall be done without proper authorization by a special permit issued by the Board of Appeals."

(Vote: Yes 229; No 60)

I do hereby certify that the foregoing is a true copy of the Vote taken under Article 31 of the records of the Annual Meeting of the Town of Duxbury, Mass., held March 12, 1960, at which a quorum was present.

Maurice H. Shirley
Town Clerk of Duxbury

Boston, Mass., July 14, 1960

The foregoing amendment to zoning by-Law is hereby approved.

E. J. McCormack, Jr.
Attorney General

Building Code

ARTICLE I

SECTION 1 – GENERAL PROVISIONS

The following provisions constituting a portion of the by-laws of the Town of Duxbury, Massachusetts, shall be known and may be cited as the Duxbury Building Code. It shall be so construed as to secure for the inhabitants of the town the beneficial interests and purposes thereof which are: public safety, health, and welfare through structural strength and stability, and reduction of fire hazard. It shall take effect immediately after it has been approved by the Attorney General of the Commonwealth and has been published or posted as required by law.

SECTION 2 – EXEMPTIONS AND NON-APPLICATION

No building, except one-story, wooden buildings less than 10 feet square which are not to be used as habitations, and ordinary outbuildings used in connection with a farm shall hereafter be constructed, structurally altered, remodeled, rebuilt, or removed, nor shall the plumbing or electrical wiring in a building be installed, materially altered, or removed unless the proposed work is in conformity with all by-laws of the Town of Duxbury, and a permit therefor has been obtained.

This by-law shall not apply to (A) buildings or structures owned by the United States or the Commonwealth of Massachusetts, (B) buildings for the construction of which a permit from the Commonwealth of Massachusetts is required, (C) bridges, quays, and wharves. Ordinary repairs to structures or any appurtenances thereof, which do not affect the strength or fire risk or violate any requirements of the code may be made without application or permit or notice to the Inspector, but such repairs shall not include the cutting away of beams, or supports, or the removal, change or closing of any stairways or required means of exit or the construction or alteration of soil or waste pipe. If application is made for permit to alter, remodel or rebuild one component part of a building, nothing in this code shall require, under this application, the changing of unrelated component parts of the building to conform to the provisions of the code.

SECTION 3 – VIOLATION

It shall be unlawful to occupy, or maintain any building which subsequent to the adoption of this by-law has been constructed, structurally altered, remodeled or rebuilt in violation of any by-law of the Town of Duxbury, or a building which has been condemned by the Inspector of Buildings as unsafe.

SECTION 4 – VARIATIONS IN SPECIFIC CASES

The Board of Appeals may vary the provisions of this code in specific cases which appears to them to have been contemplated by this code or in cases where its enforcement would involve practical difficulties or unnecessary hardship, and wherein desirable relief may be granted without substantially derogating from the intent and purpose of this code, but not otherwise. The decision in such cases shall be unanimous and specify the variations allowed and the reasons therefor and such decision shall be filed in the office of the Inspector after the hearing and a certified copy shall be sent by mail or otherwise to the applicant for, or holder of, the permit.

SECTION 5 – CONFLICT WITH OTHER BY-LAWS

Nothing in this by-law shall be construed as repealing or limiting the application of the Zoning By-Law or any other by-law of the town relating to the location or construction of buildings or other structures and when the provisions of this and another such by-law are both applicable, the more stringent provisions shall prevail; provided, however that when a person has obtained a permit under this by-law for the construction, alteration, remodeling or reconstruction of a building or structure, he shall not be required to take out a permit under the Zoning By-Laws for the same work.

ARTICLE II

SECTION 1 – BUILDING INSPECTOR

The Board of Selectmen shall within 60 days after this by-law takes effect, and thereafter annually, appoint an Inspector of Buildings, who shall hold office until 30 days after the next Annual Meeting of the Town or until his successor has been appointed. No person, however, shall be appointed as Building Inspector, who has not had at least five years experience as a builder, registered civil engineer, registered architect, or as

a superintendent, foreman or competent mechanic in charge of construction. The Board of Selectmen may, if at any time it seems expedient to do so, appoint a temporary Inspector of Building, an Inspector of Wiring, or an Inspector of Plumbing, whose terms of office shall be determined by the Board.

The compensation for each Inspector so appointed shall be determined by the Board of Selectmen, unless otherwise fixed by vote of the Town.

SECTION 2 – POWERS AND DUTIES OF INSPECTOR

The Inspector shall keep complete records of all applications for permits, the action taken thereof, the date of receipt of request for inspection, the date and nature of the inspection made, and all notices and orders issued by him. The Inspector shall, upon receipt of an application for a permit, inspect the property in question within 48 hours, Sundays and holidays excepted, and issue a permit immediately if work described in application is in conformity with the Duxbury Building Code and Zoning By-Laws. Whenever it has been established that any building is unsafe, or this code has been violated, the Inspector shall, with the approval of the Board of Selectmen cause to be charged upon the owner or the lessee of the premises or upon the person responsible for any violation a written notice containing a description of the particulars in which the building is deemed unsafe or of the violation together with the order of the Inspector requiring that the building be made safe or vacated; or that any part of a structure erected in violation of the code be removed or of any other action deemed necessary for compliance with the code and work permit issued thereunder.

SECTION 3 – SUBSTITUTE MATERIALS

For the purpose of securing for the public the benefits of new developments in the building industry and yet insuring public safety, the Building Inspector shall make or cause to be made investigations or may accept duly authenticated reports from recognized sources, of new materials, or modes of construction, intended for use in the construction of buildings or structures in the community which are not provided for in this code and shall promulgate rules setting forth the conditions under which such materials or modes of construction may be used.

SECTION 4 – APPEALS TO THE BOARD OF APPEALS

Any person aggrieved by an order, decision, issue or refusal of a permit or of application of any part of this code by the Inspector may appeal by filing a written notice with the Board of Appeals within ten days from the date thereof. On receipt of such appeal the Board of Appeals shall give immediate hearing and either affirm, annul, or modify such order or decision or ruling of the Inspector.

ARTICLE III

SECTION 1 – FOOTING AND FOUNDATION WORK

All buildings shall have foundations of poured concrete, concrete blocks, poured concrete piers or concrete block piers.

Buildings two stories high or over 28 ft. wide shall have poured concrete wall 10" thick, or 12" concrete blocks.

Foundation walls of poured concrete ten (10) inches thick, or 12-inch concrete blocks shall need no footing if resting on undisturbed, solid earth.

Buildings with only one floor or buildings of Cape Cod type not over 26 ft. wide may have 8-inch poured concrete walls without footings or 8-inch concrete blocks on concrete footings 6 inches thick and 16 inches wide.

Concrete piers or concrete block piers shall have concrete footings 6 inches larger all around than piers.

Piers shall be spaced not over 8 feet apart.

Anchor bolts for sills shall be 3-8 inch by 10 inches, spaced not over 10 feet apart.

ARTICLE IV

SECTION 1 – CHIMNEYS AND FIREPLACES

All chimneys and fireplaces shall be built with flues of 8-inch solid brick or 4-inch of brick with fire clay flue lining in all flues. There shall be a clearance of 1-inch between all wood frame and chimney and all chimneys shall extend 2 feet (at least) above high point of roof.

ARTICLE V

PLUMBING

SECTION 1

The inspectors shall inspect all plumbing work for which permits are hereafter granted for construction, alterations or repairs, within two working days after notice that they are ready for inspection, and shall report any violation of any law, ordinance, or by-law relating to plumbing, and also perform such other appropriate duties as may be required by this Building Code.

SECTION 2

Upon application of a registered master plumber or journeyman only, or upon application of the house owner on form furnished by the Building Inspector, said Inspector shall grant written permit to do certain plumbing described therein, when in conformity with the law. Permits may be recalled by the Building Inspector if conditions are violated. Permits for all plumbing, and the installation of domestic water heating systems, except repair of leaks in water pipes or drains, must be in the hands of the plumber before beginning work.

SECTION 3

Every building provided with water from the Town or other water supply, shall have a waste water pipe for the conveyance of waste water separately and independently connected with the public sewer, or with a particular sewer, or if there is no sewer, with a sufficient and proper cesspool or septic tank as may be determined by the Board of Health, easily accessible for inspection and cleaning. No drain or sewer from any building shall pass under any other building; neither shall said drain or sewer pass within five feet of the outside of the foundation wall of any building, unless it be of cast iron pipe; the joints of said pipe to be made with molten lead, thoroughly calked.

SECTION 4

(a) Drain, Soil and Waste pipes within a building, and for a distance of not less than five feet from the inside of the foundation walls thereof thru which waste water or sewage is used or carried, shall be of cast iron, galvanized soft steel of standard thickness, or hard drawn heavy seamless copper tubing (government specifications type M) with full sweated

sleeve type joints. With screw type cast iron waste pipe, sleeve type fittings must be used.

Standard cast iron pipe is permitted except in commercial buildings, where acids are used, 3" cast iron (medium weight) can be used as soil stacks on vertical risers only, increasing to 4" on Branch line to extend to toilet.

Said pipes shall be securely ironed to walls, laid in trenches, suspended by strong iron hangers, or supported on suitable piers, and shall, with a uniform grade, have a fall toward the sewer of not less than one-fourth inch per foot:

(b) All permanent hangers, clamps or piers shall be placed at intervals of five feet.

(c) There shall be suitable cleanouts at all short turn bends of horizontal pipes where the same are possible, and at foundation walls in a direct line with the sewer.

(d) Heavy brass screw cleanouts shall be used.

(e) All cleanouts must be accessible for inspection and cleaning.

(f) Changes in direction shall be made with curved pipes, and connections with horizontal or vertical pipes shall be made with Y or TY Branches.

(g) In no case shall the so-called short Ts or saddle hubs be allowed.

(h) Soil and Waste pipes shall not have less than the following diameters:

Minimum branch waste	1½
Branch waste for urinals	1½
Branch waste for sinks	1½
Branch waste for wash trays	1½
Main waste	2
Main waste for sinks, five floors or more	3
Soil pipe	4-3
Copper	3

SECTION 5

The soil pipe of every building shall be carried above the roof open and undiminished in size, and to a height of not less than one foot above the roof, or one foot above a window within 12 feet.

(a) No vent pipe shall be covered with a cap or cowl.

(b) All branches of soil or waste pipe of fifteen feet or more in length shall be continued at full size and increased to two inches through the roof, or connected with the main soil pipe at a point above the highest fixture in the building.

(c) Joints shall be made with oakum and molten lead, thoroughly caulked and made tight, and in no case shall paint, putty or cement of any kind be allowed before testing.

(d) Rain water leaders when connected with soil or drain pipe shall be properly trapped.

SECTION 6

Every water fixture and appliance having waste pipe connected with the sewer or cesspool shall be furnished with a separate and suitable trap placed as near as possible to the fixture that it serves, except that where a sink and wash tray or bath tub and wash bowl come in contact with each other, one round trap will be permitted for both.

Traps shall be protected from siphonage and back-pressure by Cast Iron, Galvanized Iron, Lead, Brass or Copper, air pipes of same size as waste. 1½ S Traps shall not have more than 36 inches of waste pipe from trap to vent. Round Traps may be placed 4 feet from vent pipe. A water closet which connects with soil pipe or a waste water pipe not more than 24 inches drop below the top water line of the trap, shall not require other vent than the continuation of the soil pipe full size for its whole length.

Schedule of Back Air Pipes and Vents for Fixtures, where more than one is connected to same vent.

Fixtures	Size of Pipe (Inches)	Greatest Length Allowed (Feet)	Maximum Number of Fixtures
Baths, Basins,	1½	15	3
Sinks,	2	70	9
Urinals,	3	70	21
Water-closets,	2	35	3
or Slop Sinks,	3	70	9

In case of groups of fixtures, the special air pipe from each trap may be omitted, provided the soil or waste pipe undiminished in size is continued to a point above the roof, or revented into the main system above the fixtures.

This includes Bathroom fixtures or kitchen sink and appliances.

The special venting of the upper fixture, provided it is a water closet, and is located not more than 7 feet from the main ventilating stack, may be omitted. All air pipes shall run as direct as possible and shall have such continuous slope as to avoid collecting water by condensation.

Two or more air pipes may be connected together or with a soil pipe but in every case of connection with a soil pipe such connections shall be made above the upper fixture of the building.

No vent pipe shall connect with any other vent pipe until it has attained the height of the top of the fixtures whose trap it ventilates.

Lead air pipes may be used only where they are exposed to view, and in no case shall be allowed behind walls or sheathing, or other places inaccessible for inspection.

The weight of all lead bends, traps, waste and vent pipes, used in plumbing shall not be less than that specified, viz:

1¼ Inch	2½ lbs. per foot
1½ Inch	3 lbs. per foot
2 Inch	5 lbs. per foot
3 Inch	6 lbs. per foot
4 Inch	8 lbs. per foot

SPECIAL TRAPS

Every building in which gasoline, naptha or other inflammable compounds are used for business purposes shall be provided with a special trap or separator, so designed as to prevent the passage of oils or gasses into the sewer, and shall be ventilated with a separate pipe to a point 3 feet above the roof. The waste of every washstand for vehicles shall be provided with catch basin so designed that sand cannot pass into drain.

Drainage of stalls, stable fixtures, garages and laboratories shall be installed in accordance with plans approved by the Board of Health.

SECTION 7

Drip and overflow pipes from safes under water closets or other fixtures, or from tanks or cisterns, shall be run to some place in open sight, and in no case shall any such pipe be connected directly with a drain, soil or waste pipe.

SECTION 8

No waste pipe from a refrigerator, or other receptacle in which provisions are stored, shall be connected with a drain, soil pipe or other waste pipe unless such waste pipes are provided with traps suitably ventilated; and in every case there shall be open trays between the trap and refrigerator.

SECTION 9

No steam exhaust, blow-off or drip pipe shall connect with the sewer, house drain, soil, waste or vent pipe, but shall discharge into a suitable tank or condenser, from which a proper outlet to the drain or sewer shall be provided.

SECTION 10

Every water closet or line of water closets, on the same floor, shall be supplied with water from a tank or system, and the flushing pipe shall not be less than One and One-fourth Inch in diameter. Water closets when placed outside of buildings may be so arranged as to receive their supply directly from the main, with such water fixtures as shall be provided by the Water Commissioner and the Inspector. Water closets having earthenware trap shall be connected to soil pipe with flange or floor plate. The water closets shall be securely bolted to said floor plate in a manner to insure a tight and solid joint.

(a) No water closet shall be used in which soil comes in contact with any mechanism or moving part.

(b) In all tenements or blocks on streets where there is a sewer, there shall be at least one water closet for each tenement or family. In hotels and lodging houses, there must be one watercloset on each floor, and where there are more than twelve persons on any floor, there must be an additional water closet on that floor for every twelve additional persons or fraction thereof.

(c) No water closet shall be placed in an apartment that has not a direct opening of at least three square feet to the external air approved by the Inspector.

SECTION 11

Where urinals are placed in any building they shall be supplied with water and properly ventilated.

Plumbing and drainage in industrial establishments, in addition to the provisions of this code, must be in accordance with the rules and regulations of the Massachusetts Department of Labor and Industries.

SECTION 12

The Inspectors of Plumbing must be notified when any work is ready for inspection, and no pipes or other fixtures may be covered or concealed from view until inspected and approved.

Repairing of leaks in drainage systems installed previously and not under this code can be done without permits not necessitating changes.

SECTION 13

Where toilets or urinals are located in rooms not having a window opening to outside air, ventilation will be supplied by suitable gravity or forced ventilation system.

In cases of sewer connections there shall be a cast iron pipe laid from five feet outside and carried through the foundation wall and connected with the drain inside by a Y branch with a brass screw cleanout in a direct line with the sewer.

SECTION 14

Domestic hot water boilers and tankless heaters heated by any means, gas, electric or oil, shall be installed per State Regulations, and a permit shall be obtained from the Inspector.

SECTION 15

Cross connections—Any connection in piping, whereby a public or private water supply used for drinking and/or culinary purposes is connected with a secondary supply or a supply of questionable quality or whereby polluted matter may enter the supply used for drinking and/or culinary purposes, shall be considered a cross connection.

No cross connection shall be installed unless the piping connections and valves connected thereto have been approved by the Inspector of Plumbing after tests showing that no polluted matter from such fixtures may enter the water supply system used for drinking and/or culinary purposes and all existing cross connections shown to be improper by test as herein indicated shall be removed.

Check valves or other uniflow devises may be considered as suitable mechanical means of separation only if these devices are accessible for overhauling or inspection and equipped with drains and test outlets and the installation is approved by the Inspector of Plumbing. Temporary connections shall not be permitted.

Valves of the positive type which include gate, globe stop and similar valves are not considered as adequate protection.

Any cross connection permitted with a fire service supply shall be protected by a properly installed and adequately supervised all bronze rubber-seated double check valve of a type approved by the State Board of Plumbing Examiners.

Appliances installed in old buildings may be run into the drainage system by the use of a trap.

All new installations shall be water tested and examined by the Plumbing Inspector.

No outside exposed plumbing drains shall be permitted.

SECTION 16 – CESSPOOLS

All cesspools hereafter constructed shall be of approved material including cesspool blocks, fieldstone or brick and shall be located not less than twenty feet (20 ft.) from any dwelling and not less than five feet (5 ft.) from any street line or line of adjoining lot and shall be not less than six feet (6 ft.) in diameter and shall be provided with a cast iron rim and cover laid in cement. When a flat top is installed instead of a cone top, black steel pipe not less than 1¼-inch shall be laid across the top for reinforcement before a thickness of 4-inch cement shall be used. All cesspools must be provided with an approved removable cover.

Cesspool covers, Septic tank covers, and any clean-out that is not exposed to view shall be marked by a cement disc of 6-inch diameter and 3-inch thick, placed over it level with the ground.

No old wells or cisterns may be used as cesspools.

If a septic tank is used in place of a block cesspool, there shall be provided an adequate leaching bed satisfactory to the Building Inspector and in accordance with the requirements of the Board of Health, and as set forth under Chapters 209 and 447 of the Department of Public Health of the Commonwealth of Massachusetts.

Permits shall be obtained from the Town for the construction or installation of any Cesspool or Septic tank drainage system.

Duxbury Free Library

ARTICLE VI

SECTION 1 – ELECTRICAL INSTALLATIONS

All electrical wiring, apparatus or appliances for furnishing light, heat or power, shall be in strict conformity with approved methods and practices for safety to life and property. Compliance with the National Electrical Code, as published by the National Board of Fire Underwriters, shall be prima facie evidence of such approved methods and practices.

ARTICLE VII

GARAGES

SECTION 1 – No garage shall be attached to or form part of a building of other occupancy except as herein provided:

(a) private garages not exceeding seven hundred and fifty (750) square feet in area.

(a-1) a garage not exceeding seven hundred and fifty (750) square feet in area may be attached to or form part of a residence building or a business building if separated from other occupancies by walls, partitions and ceilings of materials to restrict the passage of gases, smoke, and odor from the garage to other parts of the building.

(b) openings from the building into garage shall be restricted to a single doorway; such openings shall be provided with a metal, metal covered, asbestos covered, or solid wooden door and frame of not less than one and three-quarter (1¾) inches nominal thickness.

(c) floors shall be without pits or depressions.

In all respects all private and attached garages hereafter erected shall conform with the General Laws of the Commonwealth of Massachusetts.

SECTION 2 – Framing members for garages may be 20 inches on centers.

ARTICLE VIII

SECTION 1 – REQUIREMENTS FOR RESIDENTIAL BUILDING

All supporting girts, or girders, to be of a dimension not less than 6" x 8" either solid or built up, and supported by 3½" lally columns not more than 8'-0" O.C. with proper concrete footings. The outer ends of these

timbers shall be supported by foundation walls with a minimum bearing of not less than 4 inches.

SECTION 2 – Sills shall be of 4" x 6" either solid or built up and where spans over openings exceed 4'-0" shall be reinforced with a header equal to the size of the floor timbers.

SECTION 3 – Where flush framing is used all floor timbers shall be thoroughly spiked to girder and supported by approved timber hangers.

SECTION 4 – All outside walls and bearing partitions shall be of 2" x 4" not more than 16" O.C. Non-bearing or non-supporting partitions shall be of 2" x 3" or 2" x 4" not more than 16" O.C.

SECTION 5 – Outside walls, roofs, sub floors shall be of material not less than 5-8" in thickness or of a nature and quality and thickness as approved by the Building Inspector.

SECTION 6 – Floor timbers to be of sizes and materials on chart, (in Section 14) and spans over 8'-0" shall be bridged, either solid or 1" x 3" spruce. All openings for chimneys, stairways, etc., shall be doubled on all sides with materials of same dimensions. Double floor joists shall be placed under partitions running in same direction as joists if such partitions are over 10' long. Said double timbers may be spaced not over 4" apart to allow for pipes or ducts.

SECTION 7 – Attic ceiling joists and rafters to be of materials and spans designated by chart. All openings doubled on all sides, with materials of same.

SECTION 8 – Corner posts to be of 4" x 6" solid or built up and diagonal braced through two bays each way. On full two story construction, corner posts shall be continuous from top of sill to under side of second floor plate with diagonal bracing on each floor.

SECTION 9 – All plates to be of double 2" x 4" and openings over 4'-0" shall be reinforced with a 4" x 4" supported on each end by full thickness of a 2" x 4" stud. Openings over 4'-6" shall have 4" x 6" supported in the same manner.

SECTION 10 – Roofing materials can be of wood, asphalt, slate or asbestos.

SECTION 11 – No building shall be moved into or within the Town for a dwelling unless it has been approved by the Building Inspector.

SECTION 12 – Second hand materials used in structural portions of buildings must be approved by Building Inspector.

SECTION 13 – All new residential buildings to be not over two and one-half (2½) stories in height or a maximum of thirty feet (30 ft.).

Floor joists Sizes for No. 1 mercantable spruce, No. 1 common fir or hard pine for ordinary residential floor loads, when load is evenly distributed.

SECTION 14 – Schedule of frame size and maximum span. All floor timbers spaced not over 16" O.C. Floor load figured at 50 lbs. per square ft. of floor area. No. 1 stock.

Floor Joists

size	Max. Span Spruce	Max. Span Fir
2 x 6	9' 6"	10' 0"
2 x 8	13' 0"	13' 8"
2 x 10	16' 0"	16' 6"

Ceiling Joists spaced 16" O.C. 20-lb. load per sq. ft.

size	Max. Span Spruce	Max. Span Fir
2 x 6	13' 8"	14' 3"
2 x 8	18' 3"	19' 0"

Rafters for pitched roofs.

The span is from plate to ridge or from one support to another, and shall not be over 16' 0" for 2 x 6 20" O.C. or 19' 0" for 2 x 8 20" O.C. For flat or low pitched roofs up to 5" the maximum span for 2 x 6 shall be 10' 0", maximum span for 2 x 8 shall be 13' 0".

Rafters 20" O.C. 2 x 6 up to 14' 0" horizontal span.
2 x 8 up to 20' 0" horizontal span.

Over 10" boards shall have three nails at each bearing.

8" board over openings in outside should figure as same strength.

ARTICLE IX

SECTION 1 – PERMITS

Before erecting, altering, moving, razing, adding to, or making any changes in use or type of occupancy of any building or structure, the Owner or his agent shall file an application for a permit with the Building Inspector. No work shall begin until a permit is granted and until the Rules and Regulations of the Planning Board and the Board of Health have been complied with and only when there is no violation of the Zoning By-Laws.

SECTION 2 – The application shall be made under the penalty of perjury. It shall state the location and the dimensions, estimated cost, nature and extent of the proposed work or changes, purpose for which the building is to be used and such other information as the Inspector may require. The application for a permit to erect any building or structure shall be accompanied by plans if required showing the location of such building or structure and the location of the sewage disposal system.

SECTION 3 – Whenever the application does not adequately describe the proposed work in the opinion of the Inspector, there shall also be filed duplicate copies of sufficient plans and specifications and other data. One copy of the plans and specifications properly stamped with the Inspector's approval shall be returned with the permit and kept on the job available for reference.

SECTION 4 – Permits shall be issued within three days after receipt of the application provided the requirements of this law are fully complied with. All permits shall be on numbered blank forms signed by the Inspector and shall state the purpose for which the building is to be used. The permit shall be posted in a conspicuous place on the job and no work shall be done except in accordance with the permit.

SECTION 5 – Nothing in this By-Law shall prevent the Inspector issuing a special permit for part of the work while the application is being examined.

SECTION 6 – Permits shall become void six months after date of issue unless construction thereunder shall have been commenced and continued with reasonable diligence.

SECTION 7. A suitable fee, as set by the Board of Selectmen shall be charged for the issuance of a Building Permit.

ation costing over two thousand dollars ($2,000.00) the fee shall be computed at the rate of five dollars ($5.00) per thousand or fraction thereof.

No fee, however, shall be in excess of $20.00.

ARTICLE X

SECTION 1 – PENALTY FOR VIOLATIONS

A person who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired a building or structure, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00), and in default thereof to undergo imprisonment for a period not exceeding 30 days.

SECTION 2 – The owner of a building, structure or premises, where anything in violation of this code shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as therein provided.

SECTION 3 – The imposition of the penalties herein prescribed shall not preclude the Board of Selectmen of the Town of Duxbury from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

VOTE

Under Article 36, it was voted that the Town repeal Section Seven of Article Nine of the Building Code now reading as follows:

> Article IX: Section 7 - The fee for a permit for the construction of a new single dwelling shall be twenty dollars ($20.00). The fee for any other construction or alteration shall be as follows: two dollars ($2.00) for construction or alterations costing up to two hundred dollars ($200.00), five dollars ($5.00) for construction or alterations costing up to five hundred dollars ($500.00), ten dollars ($10.00) for construction or alterations costing up to two thousand dollars ($2,000.00), for construction or alterations costing over two thousand dollars ($2,000.00) the fee shall be computed at the rate of five dollars ($5.00) per thousand or fraction thereof. No fee, however, shall be in excess of $20.00.

And adopt a new Sec. 7, so that Section 7 of Article IX will read as follows:

> Article IX: Section 7. A suitable fee, as set by the Board of Selectmen shall be charged for the issuance of a Building Permit.

(Vote: Yes 143; No 19)

I do hereby certify that the foregoing is a true copy of the Vote taken under Article 36 of the records of the Annual Meeting of the Town of Duxbury, Mass., held March 12, 1960, at which a quorum was present.

Maurice H. Shirley,
Town Clerk of Duxbury

Boston, Mass., April 21, 1960

The foregoing amendment bo By-Laws is hereby approved.

E. J. McCormack, Jr.
Attorney General

Boston, Mass., April 21, 1920

The Secretary mentioned by Attorney is hereby approved.

H. J. Whitcomb, Jr.
Attorney General

TOWN OF DUXBURY

SHOWING DISTRICTS ZONED FOR BUSINESS

MAGNETIC MERIDIAN

PEMBROKE

MARSHFIELD

KINGSTON

PLYMOUTH

A E F L G M N Q U V I D J O K T S R P

"Block L" 35. 36C. 36B. 42B. "Block M." "Block Q" 1. "Cox's Corner"

"Millbrook" "Block Q"

"Block K" 1A. 181. 183. 182. 184. 3. 3B. 3A. 402. 403 401. 4C. 4A. 4B.

"Block P" "Island Creek"

"Block S" 141. 142B. 145C. 145C1. 145D.

(See also Duxbury Assessors' Map for more detailed information)

"Snug Harbor"

"Block T" 45B. 45C. 45D. 132A. 133. 134. 135. 34. 32A. 32C. 31A1. 35. 36A. 36B. 67. 68. 69.

"Hall's Corner So. Duxbury"

Scale of Large Town Map 1:20,000

Scale of Inset Maps 1:3,960

Robert B. Delano 4/15/58